

statement that the information required to be submitted is unknown and/or is not readily available to the Applicant. There is no requirement for the Applicant to show that the required information was not, in fact, readily attainable, but the Applicant is required to make a good faith attempt to obtain the information and to make a reasonable inquiry once the information is requested (MPEP 704.12(b)).

On Pages 2 and 3 of the Office Action, the Examiner has requested the following information, the responses to which are considered thereafter:

- 1) The name and citation of any particularly relevant indexed journal or treatise discussing PSLEExchange.
- 2) Any written descriptions or analyses, prepared by any of the inventors or assignees of the claimed invention, of PSLEExchange (e.g. web pages, business plans, press releases, etc.).
- 3) Identification of pending or abandoned applications, filed by at least one of the inventors or assigned to the same assignee as the current application that disclose similar subject matter, that are not otherwise identified in the current application.

A. Reply to Item 1

The Applicant does not believe that an indexed journal or treatise discussing PSLEExchange exists. Accordingly, this request for information supports the novelty of the claimed invention. Therefore, additional information concerning this request is unknown and/or is not readily available.

B. Reply to Item 2

The business plans of Sports Securities, Inc. are confidential to Sports Securities, Inc. and contain proprietary information. Therefore, the business plans are not attached hereto or reproduced herein. However, information from the business plans which is pertinent to the request for information under 37 CFR §1.105 is provided below in the summary of the business of Sports Securities, Inc. with respect to PSLEExchange, and in the identification of potential sources of competition. Applicant respectfully asserts that the information provided below is responsive to the Examiner's request without destroying the confidential nature of the business plans.

The Applicant acknowledges that the Office has the authority to require information reasonably necessary to the examination or treatment of a matter in an application, and further acknowledges that the duty of candor and good faith under 37 CFR §1.56 applies to the Applicant's requirement for information under 37 CFR §1.105 and requires that the applicant reply to 37 CFR §1.105 requests with information reasonably and readily available. However, the Applicant notes that the threshold for disclosure of material information identified under 37 CFR §1.56(c) is higher than that for requiring information under 37 CFR §1.105, which is reasonable necessity to the examination of the application. Thus, the statements made herein are clearly responsive to the requests made under 37 CFR §1.105.

Potential Sources of Competition taken from Business Plans

- 1) Newspaper classified ads: e.g. The Charlotte Observer
(<http://www.charlotte.com/mld/charlotte/classifieds>) - PSL's can be listed for sale by a seller or a buyer may solicit PSL's from potential sellers.
- 2) Team-sponsored web sites: e.g. The Baltimore Ravens
(http://www.ravenszone.net/template.php?subsection=tickets_sub) - Original sales of PSL's and team-specific procedures for transferring ownership of PSL's.
- 3) Third party team-oriented web sites: e.g. Seats and Suites
(<http://www.SeatsandSuites.com>), Liquid Seats, Inc. (<http://www.LiquidSeatsInc.com>) - Classified ads and/or bulletin boards to allow buyers and sellers to find and deal directly with each other where a fee is charged per PSL transaction.
- 4) Multi-purpose auction web sites: e.g. E-bay (<http://www.Ebay.com>) - Open auction of PSL's where winning bidder completes PSL transaction directly with seller.

3. Reply to Item 3

The Applicant has no pending or abandoned applications, filed by at least one of the inventors or assigned to the same assignee as the current application, that disclose similar subject matter and are not otherwise identified in the current application. Accordingly, this request for information further supports the novelty of the claimed invention. Therefore, additional information concerning this request is unknown and/or is not readily available.